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Anguilla

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I. Background information

A. Geography

1. Anguilla[1] lies 240 kilometres east of Puerto Rico, 113 kilometres north-west of Saint Kitts and Nevis and 8 kilometres north of St. Maarten/St. Martin. The Territory has a relatively flat topography, a total area of 96 square kilometres and includes several offshore islets. The main island has a maximum length of 26 kilometres and a maximum width of 5 kilometres. The capital of Anguilla is The Valley, where 43 per cent of the population resides.

B. History

2. Originally inhabited by the Arawaks, Anguilla was first colonized by British settlers in 1650. For administrative purposes, it was associated with Saint Kitts and Nevis from 1871 to 1980. Following the dissolution of the Federation of the West Indies in 1962, Saint Kitts-Nevis-Anguilla became a State in association with the United Kingdom of Great Britain and Northern Ireland. In 1967, the Anguillan people staged a number of demonstrations to demand secession from Saint Kitts and Nevis. In the referendum held in July 1967, the vote was 1,813 to 5 in favour of secession. Further demonstrations and protracted negotiations were followed by the intervention of British security forces in 1969 and the Anguilla Act of 1971, whereby the United Kingdom reassumed direct responsibility for the administration of the Non-Self-Governing Territory, appointed a Commissioner and provided for the establishment of an Island Council. A separate Constitution came into effect in February 1976. In 1980, at Anguilla's request, arrangements were made by the Government of the United Kingdom for the Territory formally to be withdrawn from the Associated State of Saint Kitts-Nevis-Anguilla and to become a separate dependency of the United Kingdom.

3. In 1981 further constitutional talks between the Governments of Anguilla and the United Kingdom were held. The Chief Minister of Anguilla recommended that a new constitution, while not providing for a full measure of internal self-government, nevertheless grant a substantial degree of additional local responsibility to the Government of Anguilla. The Anguilla House of Assembly approved the changes and the United Kingdom enabled the Anguilla (Constitution) Order to come into force on 1 April 1982. An outline of the Order is provided in the report of the United Nations visiting mission to Anguilla in 1984 (see A/AC.109/799, paras. 19-27).

4. Various amendments were made to the Constitution in subsequent years, the latest adopted in 1990. According to the administering Power, it gives a large measure of self-government and control over internal affairs to elected ministers of the Government of Anguilla, while reserving certain responsibilities and powers for the Government of the United Kingdom through the Governor (see para. 7).

C. Population

5. A census conducted in 2001 placed Anguilla's population at 11,561. Women made up 51 per cent of the population and men 49 per cent. The average annual

increase in the population between 1992 (the year of the previous census) and 2001 was 3.2 per cent.[2] There are several thousand Anguillans living abroad, in particular in the United Kingdom, the United States of America and the United States Virgin Islands.

6. Of the total population, 99 per cent speaks English. Spanish or Chinese are the most common mother tongues among non-English speakers. With respect to religion, 29 per cent of the population identified itself as Anglican and 24 per cent as Methodist. Pentecostal, Church of God, Seventh Day Adventist and Baptist adherents represented 7 to 8 per cent each of the population, while Roman Catholics represented 6 per cent.

II. Constitutional, legal and political issues

7. According to the Constitution, the Government of Anguilla consists of a Governor, an Executive Council and a House of Assembly. The Governor, who is appointed by the Queen, is responsible for defence, external affairs, internal security, including the police, international financial services, public service appointments and the application to public servants of their terms and conditions of service. On all other matters, the Governor is required to consult with and act on the advice of the Executive Council. The Executive Council consists of the Chief Minister, not more than three other ministers and two ex officio members (the Attorney-General and the Deputy Governor). The Governor acts as Chairman. The House of Assembly is elected for five-year terms. It comprises a Speaker, seven members elected from single-member constituencies, the same two ex officio members as in the Executive Council and two members nominated by the Governor, one of whom is appointed upon the advice of the Chief Minister and the other after consultation with the Chief Minister and the Leader of the Opposition.

8. At present the Governor of Anguilla is Alan Huckle, who took up office in May 2004. He will be succeeded by Andrew George, who is due to take up his appointment in mid-2006.[3]

9. The law of Anguilla is the common law of the United Kingdom, together with all legislation inherited from the former Associated State of Saint Kitts-Nevis-Anguilla up to August 1971 and local legislation enacted since that date. The law is administered by the Eastern Caribbean Supreme Court, which comprises a Court of Appeal and a High Court of Justice, courts of summary jurisdiction and magistrate courts. Consolidated texts of all Anguilla's legislation up to 2004 are available in hard copy and computer disk from the Attorney-General's chambers.

10. General elections, held on 21 February 2005, saw the return of the United Front Government, under Osbourne Fleming, with four seats. Shortly afterwards, an opposition member crossed the floor, giving the Government five out of seven elected members in the House of Assembly. The Anguilla Strategic Alliance and the Anguilla United Movement each won a seat. Given the even number of seats won by each opposition party, it was not possible for the Governor to appoint a Leader of the Opposition.[4] The next elections are due in 2010.

11. The basis of the relationship between the United Kingdom Government and its Non-Self-Governing Territories is set out in the White Paper, entitled "Partnership for Progress and Prosperity: Britain and the Overseas Territories" published in

March 1999 (for the text, see A/AC.109/1999/1 and Corr.1, annex; for key recommendations, see A/AC.109/1999/9, para. 28). The British Overseas Territories Act 2002 (A/AC.109/2002/2/Add.1), which came into force on 21 May 2002, abolished the terms "colony" and "dependent territory" and granted the right of British citizenship to "British Overseas Territory citizens".

12. Following the 1999 White Paper, the British Government encouraged the Territories under its administration to institute a constitutional review process. The Government of Anguilla set up a Committee for Constitutional and Electoral Reform in 2001. The Committee engaged in a series of public consultations and educational activities throughout 2002 and 2003, after which activities ceased temporarily.

13. In December 2003, a Government-conducted survey in Anguilla indicated that 51 per cent of the island's population were of the opinion that the Constitution needed to be changed.[5] The survey also indicated that 76 per cent of the respondents thought that Anguilla should have a more democratic relationship with the United Kingdom, including redefining the power of the Governor. Over 60 per cent of respondents believed that the Attorney-General and the Deputy Governor should remain as members of the Executive Council, but also considered that their roles should change. Regarding Anguilla's status, 53 per cent of those surveyed were of the view that Anguilla should not seek independence, while a further 41 per cent said that they would agree to seeking independence by setting a target date with development benchmarks and guidelines that must first be achieved. Only 6 per cent responded that Anguilla should seek independence as soon as possible.

14. In December 2005, the Government of Anguilla announced its intention to set up a Constitutional and Electoral Reform Commission in early 2006 in an effort to reinvigorate the constitutional review process.[6] The announcement noted that the issues for consideration would include "belongership" (local citizenship), the composition of the House of Assembly, the conduct of elections, the powers of the Governor and the possibility of updating the fundamental freedoms enshrined in the Constitution. The United Kingdom Government separately announced that the next Deputy Governor would be a belonger of Anguilla rather than a member of the United Kingdom Diplomatic Service.[4] The Commission started its work on 30 January 2006 (see para. 60).

15. The nature of the relationship between the Territories and the United Kingdom continues to be discussed at the United Kingdom Overseas Territories Consultative Council held in London every year. The most recent meeting was held in December 2005 (see paras. 64 and 68).

III. Budget

16. In December 2005, the Minister of Finance, Economic Development, Commerce and Tourism, Victor Banks, presented the 2006 budget to the House of Assembly under the theme "Managing the Challenges of Success".[7] The Minister of Finance reiterated that the Government's fiscal stabilization programme (2002-2004) had worked, converting previous budget deficits into budget surpluses. The economy had grown by 13.7 per cent in 2004. The Ministry of Finance was projecting a recurrent surplus of some EC$ 15.5 million for 2005, compared with a recurrent surplus of EC$ 22.7 million in 2004. The Minister warned, however, that

the economy was growing at such a rapid pace that, if not properly managed, it could result in "immiserating growth", whereby rapid growth outpaces development and reduces over-all social well-being. As a result of the increasing pressure on the construction sector a moratorium of 30 months on the approval of major new tourism-related foreign investment projects had been imposed effective 1 November 2005 (see paras. 22 and 23).

17. The recurrent budget for 2006 is projected at EC$ 124,985,915 with capital expenditure projected at EC$ 23,430,000. This will be financed by recurrent revenue of EC$ 139,461,100, the surplus from 2005 and borrowing. New loans of EC$ 13 million will be raised to finance a number of projects.

18. In 2002, the Government of Anguilla began a programme to put money into reserves to achieve 90 days of recurrent expenditure by 2007. This was part of a joint agreement with the United Kingdom Government on borrowing guidelines. Under this programme, once the targets are maintained or exceeded, the prior approval of the United Kingdom Government will not be required for loans with a positive financial or economic rate of return. According to information provided by the administering Power, all the fiscal targets set by the Government of Anguilla for 2005 were exceeded or surpassed. At the time the 2006 budget was presented to the House of Assembly, the reserves stood at EC$ 16 million.

19. Bilateral aid from the United Kingdom's Department for International Development ceased with effect from 31 March 2005 given the improvement in Anguilla's per capita gross domestic product (GDP) ratio.[8] Despite the cessation of bilateral aid, Anguilla can still benefit from the Department's regional aid programme for the United Kingdom Territories in the Caribbean. According to the administering Power, Anguilla can also access funds from the European Development Fund, the Good Government Fund and the Economic Diversification Programme Budget of the Foreign and Commonwealth Office and the Overseas Territories Environmental Programme of the Foreign and Commonwealth Office/Department for International Development.

IV. Economy

A. General

20. According to the administering Power, after slowing in 2000 as a result of natural disasters and the overall global recession, Anguilla's economic activity has steadily increased in recent years, with the real GDP growing at an average annual rate of 4.7 per cent over the period 2002-2004, compared with 3.9 per cent from 1999 to 2001. In his December 2005 budget speech, the Minister of Finance reported that the 13.7 per cent growth in the GDP in 2004 was the highest among Caribbean Development Bank borrowing countries. He noted that economic activity in 2005 had remained buoyant and projections placed growth at around 10 per cent, in real terms. The Government of Anguilla estimated the per capita GDP, in real terms, at approximately US$ 8,761.[9]

21. Tourism, banking, fishing and remittances are the major contributors to economic activity. Prospects for the economy depend mainly on the tourism sector and on favourable weather conditions since the island remains vulnerable to natural

or man-made disasters and the downturn in the global economy.[7] The Government of Anguilla took the decision in 2005, following two United Kingdom-funded disaster management strategy and capability reviews, to strengthen its disaster management capability by the creation of a Disaster Management Office.

22. The Government considers that in 2005 Anguilla was successful in attracting direct foreign investment and constructing critical infrastructure for tourism. However, given its small population and labour force, any significant construction puts pressure on construction wages, which feeds into general price inflation. Such pressure can only be relieved by allowing the importation of labour from abroad, with consequent immigration and social service expenditure pressures.

23. The Government has announced that it intends to strike the correct balance between approving projects that will sustain economic activity, while avoiding over-expansion and over-development to the detriment of the economy and natural heritage. Apart from instituting the moratorium on new tourism-related projects mentioned in paragraph 16, it has acknowledged the need to diversify the economy, to generate sufficient reserves and to manage expenditure cautiously, in order to create a sustainable economy that is resilient to external shocks. Much attention will be paid to the modernization of physical planning, land management and land development policy.

B. Agriculture and fishery

24. Agricultural activity in Anguilla is limited due to a combination of factors, including poor soil, the small amount of arable land and irregular rainfall. Nevertheless, agriculture continues to play an important part in the livelihood of the local people. According to the information provided by the administering Power, in 2004, agriculture, including fish, crops and livestock, contributed about 2.6 per cent to the GDP. The Government of Anguilla has stated that there is significant scope for agriculture to provide more fresh produce to the tourism industry and therefore reduce the level of imports. The Government has committed to providing more resources to agriculture for 2006 and beyond; the allocation for this area increased from EC$ 907,000 in 2005 to EC$ 2 million in 2006, an increase of 125 per cent.

25. The Government and the administering Power consider that Anguilla's fisheries and marine resources hold the potential for the diversification of the tourism-dependent economy. In particular, deep-sea fishing resources in Anguilla's 200-mile exclusive economic zone can be sustainably exploited to satisfy markets locally and regionally. The Government of Anguilla has announced broad plans for institutional strengthening and human resources development in order to effectively manage the island's fisheries and other marine resources.

C. Tourism

26. Some 60 per cent of Anguilla's GDP is derived directly and indirectly from the tourism industry. According to the administering Power, in 2004, the island received 120,788 visitors (an increase of 11 per cent over 2003), 52 per cent of whom came from the United States, 5 per cent from the United Kingdom, 9 per cent from other European countries, 4 per cent from Canada and 30 per cent from other countries. In

2004, there was also an increase of stay-over visitors, who accounted for 45 per cent of total visitor arrivals.

27. Three major private sector projects, initiated before the 30-month moratorium, are under construction: Temenos, a St. Regis retreat that includes a championship golf course and luxury accommodation; Viceroy, a condominium hotel and resort development; and The Royal Caribbean, a locally owned hotel and resort complex. In the public sector, the extension of the Wallblake Airport means that the airport can now accommodate private jets (see para. 40). In 2005, there were over 500 private jet landings. Anguilla is now also acting as a hub airport for those wishing to travel to St. Barts (Saint Barthélemy, a commune of Guadeloupe, France).

28. The marketing and promotional activities of the Anguilla Tourist Board and the Anguilla Hotel and Tourism Association are having a positive impact. The Government increased its budgetary allocation for tourism marketing in 2005 with the aim of increasing tourist arrivals and raising overall hotel occupancy rates in 2006.[9]

D. International financial services

29. Anguilla has a small but rapidly expanding international finance sector, specializing in trust and company registration, which brings in about 13 per cent of the Territory's GDP. Anguilla entered the field of financial services relatively late, the key legislation having been passed in 1994. There are no income, estate or capital gains taxes. Nor are there any exchange controls, and, although the official currency is the Eastern Caribbean dollar, the United States dollar is commonly used.

30. As reported in previous working papers (see A/AC.109/2001/13, paras. 31-35, A/AC.109/2002/3, paras. 43-47, and A/AC.109/2003/11, paras. 33-39), Anguilla's financial services largely meet current international standards. In March 2002, Anguilla committed to cooperate with the Organization for Economic Cooperation and Development and was removed from the list of uncooperative tax jurisdictions. The island also has in place effective anti-money-laundering legislation (see A/AC.109/2005/4, para. 37) to ensure compliance with the requirements of the international regulatory bodies.

31. Anguilla's Financial Services Commission, established in 2004, is an independent regulatory body that focuses on licensing, supervision of licensees, monitoring of financial services in general, reviewing existing financial services legislation and making recommendations for new legislation, as well as maintaining contact with appropriate foreign and international regulatory authorities.

32. Three other legislative acts passed in 2004 strengthened Anguilla's financial sector: the Insurance Act, which establishes the Territory as a domicile for both domestic and foreign insurance business; the Mutual Funds Act, which provides for the regulation, authorization and control of mutual funds and their managers and administrators carrying on business in or from within Anguilla; and the Protected Cell Companies Act.

33. As reported previously (A/AC.109/2005/4, para. 38), an important component of the financial service industry of the Territory is the Anguilla Commercial Online Registration Network. At present, it allows 95 per cent of all documents, including

new registrations, to be filed electronically by locally licensed service providers and their approved overseas agents.

34. According to the administering Power, Anguilla, along with the other United Kingdom Territories in the Caribbean, has agreed to implement the European Union (EU) Taxation of Savings Directive, which came into effect in 2005. Agreements with each State member of the European Union have been signed and implementing legislation has been enacted in the Territory.

35. In 2006, Anguilla intends to introduce several pieces of new legislation and to make amendments to existing acts. These include a Private Foundations Act, which will introduce the concept of private foundations as an alternative to trusts; and a Netting Act to provide for the statutory enforceability of bilateral and multilateral netting or set-off provisions. In addition, an amendment will be made to the International Business Companies Act 2000 to provide for regulations setting out the custody arrangements for bearer shares. Minor amendments will also be made to the Trust Companies and Offshore Banking Act 2000, the Company Management Act 2000 and the Insurance Act 2004.

E. Transport

General

36. Anguilla has approximately 150 kilometres of roads, of which 80 kilometres are paved. Continuation of the Government's road improvement programme is among the priorities of the capital budget.[7]

37. In 2005, several road construction projects begun in 2004 were completed. These were the Bay View road (Shoal Bay to Island Harbour), the Blowing Point main road, the Rendezvous Road and the Little Harbour road. Various other roads were upgraded. Funding for the project was provided through a loan obtained from local banks and the recurrent budget. Plans for 2006 provide for the roads around the capital (the Valley) to be upgraded and the main road from the Valley to Island Harbour to be resurfaced.

Seaports

38. Anguilla has two ports, one at Blowing Point and the other at Road Bay. As of December 2001, Anguilla had three ships registered with Lloyd's of London, with a total displacement of 701 tons. In 2004 Anguilla updated its maritime safety legislation with United Kingdom assistance. Security infrastructure and procedures at the ports are now in compliance with the new requirements of the International Ship and Port Security Code. Certification was achieved for both ports and security equipment, including closed circuit television and scanning equipment, was installed.

39. A broad-based project committee has been set up to examine funding options for port development. It will consider the possibility of creating a new cargo port at Corito to take over all cargo activity from Road Bay and Blowing Point, to rehabilitate the passenger ferry facilities at Blowing Point and to convert the Road Bay facility into a small craft mooring area. The Government intends to complete this plan by 2010. In the meantime, it will transfer cargo operations to Road Bay by mid-2006, retaining Blowing Point as a passenger port only.

Airports

40. As mentioned in paragraph 27, following its expansion in 2004 Wallblake Airport was officially reopened in January 2005 with refuelling facilities being offered for the first time. The first phase of the expansion increased the length of the runway to 5,500 feet (1,664 metres) allowing for the landing of ATR 72 planes flown by American Eagle, and private and corporate jet aircraft. Previously, private jets landed on St. Maarten (Netherlands Antilles) and passengers were then flown to Anguilla on small charter planes. The second phase will increase the length of the runway to 6,600 feet. The Government is considering a further expansion of the parking apron and, in the longer term, an upgrade to the airport terminal and the creation of an airport authority.

41. The amount of EC$ 40.5 million for the financing of the project has come from commercial bank loans and 67 per cent of the borrowing will be repaid from the European Development Fund allotment over a three-year period. The main source of funds for the acquisition of land and resettlement costs has been the sale of shares in the Anguilla Electric Company.

F. Communications and electricity

42. Anguilla has a modern internal telephone system and a microwave relay to St. Maarten (Netherlands Antilles) and St. Martin (commune of Guadeloupe, France) for international calls. An agreement was reached with Cable and Wireless Ltd. for the liberalization of the telecommunications industry in 2003. The sector was fully liberalized in January 2005. There is now competition in mobile, fixed line and Internet services.

43. In 2004 a Public Utilities Commission was set up under an internationally recruited Executive Director to regulate the sector. The Commission's operations are funded by levies on telecommunications companies. Eventually, the regulation of the Electricity and Water sectors will also be brought under the Commission.

V. Social conditions

A. General

44. Living standards and social indicators in Anguilla compare favourably with those of other countries in the region. Per capita income was approximately US$ 8,760 in 2004, up from US$ 7,700 in 2003. The literacy rate is 95 per cent. According to 2001 census, the life expectancy for a female at birth is 78 years, while for a male it is 77.9 years.

45. Anguilla has had a social security scheme since 1982. In 2003, the Government replaced the non-contributory pension system for public servants with a contributory scheme. The normal retirement age was increased to 60, and to 65 for certain categories of workers. In 2004, the Government announced plans to introduce a levy to establish a National Health Insurance scheme and legislation is being drafted for enactment in 2006.

B. Education

46. Education on Anguilla is free and compulsory between the ages of 5 and 17. Formal education is delivered through a structured education system from the pre-primary to the post-secondary level. The management and coordination of the system are delegated to the Department of Education, which is managed by the Chief Education Officer and a team of education officers. The Department of Education falls under the administration of the Ministry of Social Development.

47. There are 11 private pre-schools on Anguilla, of which 10 are subsidized by the Government to facilitate access to them. Children between the ages of three and five attend those schools. Current enrolment stands at 437. Children between the ages of 5 and 12 attend primary school. There are six public primary schools, one private assisted primary school and one private school. Special education services are provided at centres attached to two of the larger primary schools. Present enrolment in the primary sector is 1,502.

48. Secondary education in Anguilla is provided at the two campuses — Campus A and Campus B — of the only secondary educational institution on Anguilla, the Albena Lake-Hodge Comprehensive School. Campus B is a new addition, recently built to address the need for additional accommodation. There are some 1,026 students currently enrolled at the school.

49. The Adult and Continuing Education Unit of the Department of Education and the University of the West Indies Distance Education Centre provide tertiary education in Anguilla. On offer are primary and secondary teacher-training and basic skills training. The University of the West Indies extension campus in Anguilla offers a range of distance education programmes based on the system at the University of the West Indies. According to the administering Power, the establishment of a national community college will be a priority in 2006-2007, as the island responds to the increasing shortage of skilled personnel in the critical hospitality and construction sectors.

C. Public health

50. The Government of Anguilla has embarked on an ambitious health sector reform programme that used the Alma Ata Declaration of 1978 as its base to ensure equitable, affordable and accessible primary and secondary health care to all citizens through a decentralized health service model.[10] The Board of the Health Authority of Anguilla was installed in December 2003 and took control of, and responsibility for, all secondary, primary and personal health-care services in January 2004. Each of Anguilla's five health districts has a health centre staffed with a public health nurse, a clinic aide and an environmental health officer, who provide basic core services, including maternal and child health, family planning, immunization, nutrition advice.[11]

51. The Government of Anguilla's other health priorities, as set out in the strategic plan for health for 2003-2008, include: the development of the Health Protection and Quality Assurance Department of the Ministry of Health, which includes environmental health, water quality monitoring, solid waste disposal services and the regulation of public and private health services, the expansion of mental health and psychiatric services, care of the elderly, the prevention and treatment of

HIV/AIDS and other communicable disease, the development of human resources, the provision of family health services, decreasing the cases and effects of chronic non-communicable diseases and the implementation of a health-care financing mechanism — national health insurance — which should be introduced in 2006.

52. According to the administering Power, the 2006 budget makes provision for EC$ 15 million for the Health Authority of Anguilla, provided by a subvention through the Ministry of Social Development and governed by a Purchasing Plan from the Ministry and an annual services agreement signed between the Government and the Health Authority of Anguilla. Expenditure on health services, including regulation and protection, accounts for approximately 15 per cent of the recurrent expenditure estimates. Capital estimates for the development of health services in 2006 amount to approximately EC$ 600,000.

D. Crime

53. The crime rate in Anguilla is low by regional and international standards. However, the pattern of crime in the territory is changing. The island has experienced the emergence of crime, which was formerly foreign to the Territory, albeit from a very low base. Firearm incidents rose from 3 offences in 2003 to 11 in 2004 and 16 in 2005. In his Christmas 2005 speech, the Chief Minister referred to criminal activities "increasingly more violent in nature and committed often at gunpoint by young men who have chosen the destructive path of crime".[12] In January 2006 he announced that the Executive Council had met with the Commissioner and senior officers of the Royal Anguilla Police Force to put in place a plan, including both manpower and financial resources, to deal with the wave of criminality.[13]

54. The challenge for Anguilla's law enforcement agencies will be to prevent drug crime, firearm crime and other serious crimes infiltrating the Anguilla community. According to the administering Power, in 2004, the Police recommissioned the police launch "Dolphin" and its inshore patrol boat "Lapwing" with the help of United Kingdom funding. In addition, regular tripartite security cooperation meetings at policy and operational level have been set up with French and Netherlands authorities in St. Martin and St. Maarten, respectively.[4]

55. A computerized regional intelligence system has been installed at Wallblake Airport and is being installed at the ports in Blowing Point and Sandy Ground to enhance immigration controls. The full computerization of police headquarters will also be achieved in early 2006. This is being facilitated through United Kingdom funding.

VI. Relations with international organizations/arrangements

56. Anguilla is a member of the Eastern Caribbean Central Bank, an associate member of the Organization of Eastern Caribbean States, the Association of Caribbean States, the Economic Commission for Latin America and the Caribbean and the Caribbean Community and Common Market. As a Non-Self-Governing Territory of the United Kingdom, Anguilla has the status of "Overseas Territory in association with", but is not part of, the European Union.

57. The Government of Anguilla cooperates directly with other Caribbean Governments and participates in regional projects of various international organizations and agencies.

VII. Future status of the Territory

A. Position of the territorial Government

58. In May 2003, the Government of Anguilla, in collaboration with the United Kingdom, hosted the Caribbean Regional Seminar on Advancing the Decolonization Process in the Caribbean and Bermuda, organized by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.[14] The landmark nature of the seminar, held for the first time in a Non-Self-Governing Territory, was welcomed by the international community. The seminar had a notable educational impact on both the leadership and civil society in Anguilla and triggered a useful discussion related to the political, economic and social aspects of Anguilla's status as a Non-Self-Governing Territory and its options in achieving self-determination.

59. A Constitutional and Electoral Reform Committee set up by the Government of Anguilla functioned between 2001 and 2004 with the assistance of the administering Power and the United Nations Development Programme. A representative of the Committee, Lolita Davis Richardson, attended the Caribbean regional seminar in May 2005.[15] She noted that many of the people of Anguilla believed that the Foreign and Commonwealth Office already had a special constitution prepared for the Territory, although she hoped that was not the case. The constitutional process in Anguilla had stalled, but they were hoping to move forward very soon with renewed vigour. The people of Anguilla called upon the United Nations to assist them and give voice to their view that constitutional provisions should no longer be imposed upon the people of the Territories.

60. As noted in paragraph 14 above, in December 2005, the Government of Anguilla announced its intention to set up a new Constitutional and Electoral Reform Commission in early 2006 to reinvigorate the constitutional reform debate.[16] According to the local media, Governor Alan Huckle announced the composition of the new commission at a press conference on 30 January 2006. It comprises seven members, namely, a chairman, two members nominated by the Government, two members nominated by a member of the Opposition, one member nominated after consultation with non-governmental organizations, and a secretary. The Chairman of the new commission, Justice Don Mitchell, is reported to have said that the body would review numerous issues, among them, increasing the maximum number of ministers; scaling down the reserved powers of the Governor; entrenching the localization of the Deputy Governor; and considering the question of whether the Attorney General should continue to be the chief legal adviser to the Government as well as being the Public Prosecutor. The Commission has full freedom to co-opt or consult whomever it desires and will hold public hearings to listen to recommendations for reform. It will also consider all available documents prepared by previous committee during 2001-2004 and build on this work. The Commission is required to stimulate the widest possible public debate and is not to feel restricted in making its recommendations. The Commission is to aim to present its report to

the Executive Council within six months of its appointment. It will be debated in the House of Assembly before any recommendations are sent to the United Kingdom Government for discussion.[17]

61. As mentioned in paragraph 15, the nature of the relationship between the Non-Self-Governing Territories and the United Kingdom continues to be discussed between United Kingdom Government ministers and Chief Ministers (and equivalents) of the Territories at the United Kingdom Overseas Territories Consultative Council held in London every year. At the December 2003 meeting, the Minister of Finance of Anguilla presented a paper critical of the administering Power's handling of self-determination for the Territories. He gave examples of perceived inconsistencies between the stated international commitment to self-determination by the Government of the United Kingdom and certain reservations relayed to the United Kingdom Territories. The Minister urged the United Kingdom not to shut the door on "free association", which, in his view, could be based on a model agreed by the two parties, and called upon them to work together towards political equality for Territories. The removal of the United Kingdom's power to legislate in the Territories would be a precondition for such equality, which was in itself a key criterion for removal of a Territory from the United Nations list of Non-Self-Governing Territories. Otherwise, the paper stated, the Territories would remain dependencies. The paper also referred to the perceived lack of information in the Territories about constitutional options.

62. The concept of free association was also touched on by the Minister of Finance in his budget address to the House of Assembly in December 2003. He stated that during the public consultations, the concept of free association with the United Kingdom had received attention. He viewed it as a "halfway house" towards full independence, whereby Anguilla would attain full internal self-government, with defence and external relations remaining the preserve of the United Kingdom. He considered that the best known example of a free association arrangement was that of the Cook Islands and Niue in free association with New Zealand. He argued that constitutional development was a fundamental right of a people and was enshrined in many resolutions of the United Nations. Consequently, it was the view of the Government of Anguilla that Anguillans must have more scope when it came to choosing their way forward constitutionally. He firmly believed that any attempt by the Government of the United Kingdom to determine or constrain the constitutional and electoral reform process would not be in line with United Nations mandates.

63. According to the information provided by the administering Power, both the Chief Minister and the Minister of Finance expressed similar concerns at the Overseas Territories Consultative Council in September 2004. The Chief Minister, Osbourne Fleming, did, however, say that Anguilla had a good relationship with the United Kingdom, which had improved significantly over the years. But he argued that the Territories should be given more autonomy. He wanted Anguilla to have a Bermuda-style constitution, although it had not yet reached Bermuda's stage of development.

64. The seventh annual meeting of the Overseas Territories Consultative Council was held in London in October 2005. According to the Government of Anguilla,[18] among the topics discussed were an overview of the United Kingdom and Overseas Territories relationship, constitutional modernization, human rights, disaster management, law enforcement, the financial services sector, environmental issues,

European Union issues and higher education. In bilateral discussions with the new Minister for the Overseas Territories, Lord Triesman, the Anguillan Ministers of Finance and Social Development, Victor Banks and McNeil Rogers, respectively, presented issues specific to Anguilla, including consultancies for social sector development, localization of the Deputy Governor's post, support for European Union funding arrangements and other technical assistance issues.

B. Position of the administering Power

65. In his statement at the 2nd meeting the Fourth Committee, held on 5 October 2005, at the sixtieth session of the General Assembly (see A/C.4/60/SR.2) the representative of the United Kingdom said that the consultation process between his Government and its 10 overseas Territories was continuing. The seventh annual meeting of the Overseas Territories Consultative Council would be held in London in October 2005. The Council provided a forum for dialogue between democratically elected chief ministers and their equivalents from the Territories and United Kingdom Government ministers on a range of issues, including the relationship between the United Kingdom and its overseas Territories, constitutional modernization, good governance, environmental matters and the United Kingdom's international obligations.

66. The United Kingdom Government welcomed the progress that was being made in the constitutional review process; there had been useful discussions between his Government and representatives of Gibraltar, Montserrat and the Turks and Caicos Islands. In Saint Helena, a consultative poll had rejected a revised draft constitution and that Territory was currently considering its next steps. Extensive discussions had been held with the Independence Commission set up in Bermuda to look into the implications of any move towards independence; at the Commission's request, his Government had drafted a paper setting out its position on a number of issues, which was currently being studied by the Government of Bermuda.

67. His Government, he pointed out, continued to support capacity-building projects and to promote sustainable development and good governance in its overseas Territories. The Overseas Territories Environment Programme continued to support the implementation of the environment charters for the overseas Territories. His Government likewise continued to support its overseas Territories in their efforts to strengthen relations with the European Commission and to improve access to the trade and economic and developmental aid provisions of the Overseas Association Decision of the Council of the European Union of 27 November 2001. It had also continued its informal cooperation with the Special Committee; in that context a visit had been made to Bermuda with a view to considering progress towards that Territory's de-listing.

68. Regarding the Overseas Territories Consultative Council held in London in October 2005, according to the United Kingdom Government, there was useful discussion on the relationship between the United Kingdom and the Overseas Territories and progress on constitutional modernization, which continued to take account of the Territories' particular circumstances. Other areas covered were external relations, good governance, law enforcement, financial services, transport, sustainable development and relations with the European Union. The Department for International Development organized round tables in association with the

Overseas Territories Consultative Council on human rights and disaster management.

69. With regard to Anguilla, the information submitted by the administering Power under article 73 *e* of the Charter of the United Nations indicates, inter alia, that, consistent with the 1999 White Paper, in modernizing any constitution, account should be taken of the mutual obligations and responsibilities involved in the partnership between the United Kingdom and the Overseas Territories. As for "free association", the United Kingdom Government had indicated that it would not be possible to resurrect the system of full internal self-government that applied in the West Indies Associated States, established by the West Indies Act in 1967. That was an arrangement put in place when it was expected that the associated states would move to independence (as in the case of the Bermuda Constitution). In the modern environment when the United Kingdom's contingent liabilities in the Overseas Territories were much greater, its Government could not be held to be responsible internationally for the Overseas Territories without the capacity of intervening to ensure good governance when things went wrong.

70. The administering Power concluded that the key, therefore, in the Constitutional Reviews was, as long as the Overseas Territories choose to retain their link with the United Kingdom, to try to reconcile the Overseas Territories' wish for greater self-government with the United Kingdom's overall responsibility for the Overseas Territories' good governance and compliance with international obligations. That would be the issue for discussion and negotiation between Anguilla and the United Kingdom when Anguilla presents its proposals for constitutional and electoral reform in due course. In the meantime, the United Kingdom Government's overall objectives towards the Overseas Territories are to maintain their security, prosperity and good governance.

C. Consideration by the United Nations

71. A representative of Anguilla's Constitutional and Electoral Reform Committee, Lolita Davis Richardson (see para. 59 above), and an expert from Anguilla, Phyllis Fleming-Banks, attended the Special Committee's Caribbean regional seminar held in Saint Vincent and the Grenadines from 17 to 19 May 2005. Their statements are summarized in the report of the Special Committee to the General Assembly at its sixtieth session.[15]

72. On 8 December 2005, the General Assembly adopted resolutions 60/117 A and B. Section II of resolution 60/117 B is devoted specifically to Anguilla.

Notes

[1] The information contained in the present working paper has been derived from information transmitted to the Secretary-General by the Government of the United Kingdom of Great Britain and Northern Ireland under Article 73 *e* of the Charter of the United Nations, as well as from official sources of the Government of Anguilla and other published sources.

[2] Communication from Anguilla Statistics Department, February 2006.

[3] Press release from the Governor's Office, 29 November 2005.

[4] www.anguillian.com.

[5] www.gov.ai/statistics/images/Final%20Report.pdf.

[6] See: Government of Anguilla official website, www.gov.ai/publicrelations/constitutional%20reform.html.

[7] www.gov.ai/publicrelations/Budget%20Address%202006.pdf.

[8] www.dfid.gov.uk.

[9] www.gov.ai.

[10] Declaration adopted by the World Health Organization Conference in Alma Ata, Kazakhstan in 1978, set goals for global improvement in health; see www.who.int.

[11] www.paho.org.

[12] www.gov.ai/publicrelations/Christmas%20Speech.html.

[13] http://www.gov.ai/publicrelations/violence.html.

[14] See *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 23* (A/58/23), chap. II, annex.

[15] See *Official Records of the General Assembly, Sixtieth session, Supplement No. 23* (A/60/23), chap. II, annex.

[16] www.anguillian.com/article/articleview/3155/1/135 and http://www.gov.ai/index2.html.

[17] www.anguillian.com/article/articleview/3275.

[18] http://www.gov.ai/publicrelations/England_trip.htm.